

1 ROBERT G. HULTENG, Bar No. 071293
rhulteng@littler.com
2 ELIZABETH PARRY, Bar No. 163841
mparry@littler.com
3 LAUREN E. MEYERHOLZ, Bar No. 294518
lmeyerholz@littler.com
4 LITTLER MENDELSON, P.C.
333 Bush Street
5 34th Floor
San Francisco, California 94104
6 Telephone: 415.433.1940
Facsimile: 415.399.8490
7

8 Attorneys for Respondent
UBER TECHNOLOGIES, INC.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 NATIONAL LABOR RELATIONS
13 BOARD,

14 Applicant,

15 v.

16 UBER TECHNOLOGIES, INC.,

17 Respondent.
18
19
20
21
22
23
24
25
26
27
28

Case No. 4:16-MC-80057-KAW

**RESPONDENT UBER TECHNOLOGIES,
INC.'S NOTICE OF MOTION AND
MOTION TO STAY NLRB'S
APPLICATION FOR ORDER REQUIRING
OBEDIENCE TO SUBPOENAS**

Date: August 18, 2016

Time: 11:00 a.m.

Judge: Hon. Mag. Kandis A. Westmore

Ctrm: 1301 Clay Street, Oakland CA 94612

1 **TO APPLICANT AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on, August 18, 2016 at 11:00 a.m. in the Law &
3 Motion Department of this Court, located at 1301 Clay Street, Oakland, California, Respondent
4 UBER TECHNOLOGIES, INC. ("Respondent") will move to stay APPLICANT THE NATIONAL
5 LABOR RELATIONS BOARD's ("Applicant") Application for Order Requiring Obedience to
6 Subpoenas.

7 This motion is based on the grounds that a class action case entitled *O'Connor et al v.*
8 *Uber Technologies, Inc.* (Case No. CV13-03826-EMC) is simultaneously pending in this Court
9 before Judge Chen, that action has reached the preliminary approval stage and the proposed class
10 action settlement stands to entirely eliminate the unfair labor practice charges upon which the
11 Applicant's enforcement action is based. As such, to avoid both prejudice to Respondent and the
12 unnecessary waste of judicial resources, Respondent respectfully requests that this Court exercise its
13 discretion to temporarily stay the instant action pending approval of the *O'Connor* settlement.

14 The motion will be based upon this notice of motion and motion and upon
15 Respondent's memorandum of points and authorities, Respondent's request for judicial notice and
16 the declaration of Robert G. Hulteng filed herewith, the pleadings and papers filed herein, and any
17 other matters considered by the Court.

18
19 Dated: July 5, 2016
20

21 
22 ROBERT G. HULTENG
23 LITTLER MENDELSON, P.C.
24 Attorneys for Respondent
25 UBER TECHNOLOGIES, INC.
26
27
28

Firmwide:141312574.1 073208.1114

(NO.4:16-MC-80057-KAW)

2.

NOTICE OF MOTION & MOTION TO STAY
NLRB'S APPLICATION